

REMARKS

Claims 1-8, 10, 11, 21-24, 29 and 31-34 are pending in the instant application. Claims 21-24, 29 and 31-34 have been withdrawn from consideration. Claims 3-5 and 7 are allowed. Claims 1, 6, 8, 10 and 11 have been rejected. Claim 2 has been objected to. Claims 1, 21-24, 29 and 31-34 have been cancelled. Claim 2 has been amended to place it in independent form. Claims 6 and 8 have been amended to correct their dependencies. These amendments do not add any new matter and support for them can be found in the specification. After entry of these arguments, Claims 2-8, 10 and 11 will remain pending.

Rejection of Claims 1, 6, 8, 10 and 11 under 35 USC §102(b)

The Examiner has rejected Claims 1, 6, 8, 10 and 11 under 35 U.S.C. §102(b), as allegedly being anticipated by Heider et al (US 4,379,788), Aldag et al. (US 4,908,448), Yale et al. (US 3,463,778), Wang et al. (Bioorg & Med. Chem. Lett., (2002), Vol. 12, pp. 571-574), Griffin et al. (J. Med. Chem. (1998), Vol. 41, No. 26, pp. 5247-5256) and Cruickshank et al. (J. Med. Chem. (1974), Vol. 17, No. 4, pp. 468-469).

Applicants respectfully traverse this rejection. However, without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have cancelled Claim 1 and amended the dependencies of Claims 6 and 8.

In light of these cancellations and amendments, Applicants respectfully request the rejections of Claims 1, 6, 8, 10 and 11 under 35 USC §103(a), be withdrawn.

Objection to Claim 2

The Examiner has objected to Claim 2 as being dependent upon a rejected base claim. The Examiner has stated that Claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 2 and rewritten it in independent form. Accordingly, Applicants respectfully request that the objection to Claim 2 be withdrawn.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this response to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By: /Nicole M. Beeler, Reg. No. 45,194/
Nicole M. Beeler
Registration No. 45,194
Attorney for Applicants

MERCK & CO., INC.
P.O. Box 2000 - RY 60-30
Rahway, New Jersey 07065-0907
Telephone No. (732) 594-1077

Date: April 06, 2010